

JOURNAL OF THE HOUSE.

Monday, October 4, 2004.

Met at eight minutes after eleven o'clock A.M., in an Informal Session, with Mr. Hynes of Marshfield in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God Our Creator, we pause for a moment of prayer and meditation and to ask for Your assistance on this the first legislative session of a new month. Each month of the year we face new legislative challenges and new opportunities for serving You and the electorate. In responding to our responsibilities inspire us to keep our personal and legislative goals and priorities in clear focus. Grant us the good sense and the patience to listen to the experiences and views of others as we form our right conscience and select our options.

Bestow Your blessings on the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Hynes), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

pledge of
allegiance.

Message from the Governor.

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at the annual town meeting and special town meeting of the town of Rockland (House, No. 5101) was filed in the office of the Clerk on Friday, October 1.

Rockland, town
meetings.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Local Affairs and Regional Government. Sent to the Senate for concurrence.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Carol A.
Donovan.

Resolutions (filed by Representatives Kaufman of Lexington, Casey of Winchester, Jones of North Reading, Rushing of Boston and Wolf of Cambridge) honoring Representative Carol A. Donovan on the occasion of her retirement from the Massachusetts House of Representatives;

Beverly
Hurley.

Resolutions (filed by Mr. Kaufman of Lexington) congratulating Evelyn Hurley on the occasion of her one hundredth birthday;

Aging Services
Association.

Resolutions (filed by Mr. Keenan of Southwick) congratulating the Massachusetts Aging Services Association on the occasion of its fiftieth annual meeting;

John Peter

Alevezos.

Construct,
Inc.

Resolutions (filed by Ms. Peisch of Wellesley) honoring John Peter Alevezos on the occasion of the dedication of the flagpole honoring those who served on September 11, 2001; and
Resolutions (filed by Mr. Pignatelli of Lenox) congratulating Construct, Inc., on the occasion of its sixteenth annual Walk for the Homeless on October 17, 2004;

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Wolf, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Harwich,
charter.

Mrs. Gomes of Harwich presented a petition (accompanied by bill, House, No. 5102) of Shirley Gomes and Robert A. O'Leary (by vote of the town) relative to the charter of the town of Harwich; and the same was referred to the committee on Local Affairs and Regional Government. Sent to the Senate for concurrence.

State colleges,
mergers, etc.

Chelmsford,
Zabierek
Bridge.

Petitions severally were presented and referred as follows:
By Ms. Candaras of Wilbraham, petition (subject to Joint Rule 12) of Thomas M. Petrolati and Gale D. Candaras relative to mergers, contracts or acquisitions of institutions of higher education.

By Mr. Hall of Westford, petition (subject to Joint Rule 12) of Geoffrey D. Hall, Pamela P. Resor, Thomas A. Golden, Jr., David M. Nangle, Cory Atkins, Susan C. Fargo and another relative to designing a certain bridge in the town of Chelmsford as the Marine Lance Corporal Andrew J. Zabierek Memorial Bridge.

Severally, under Rule 24, to the committee on Rules.

Order.

The following order (filed by Mr. Quinn of Dartmouth) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Banks and
Banking
committee,
extension
of time for
reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Banks and Banking be granted until Friday, December 31, 2004, the time within which to make its final report on current House document numbered 4697, relative to corporate credit unions.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Kafka of Sharon, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Papers from the Senate.

Registered
land,
falsification.

A Bill relative to registered land instruments procured by falsification of corporate office-holding (Senate, No. 983) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Peabody,
city
district.

Petitions were referred, in concurrence, as follows:
Petition (accompanied by bill, Senate, No. 2492) of Frederick E. Berry, Joyce A. Spiliotis and Theodore C. Spiliotis (with approval of the mayor and city council) for legislation relative to the charter in the city of Peabody. To the committee on Local Affairs and Regional Government.

Peabody,
surplus
land.

Petition (accompanied by bill, Senate, No. 2491) of Frederick E. Berry, Joyce A. Spiliotis and Theodore C. Spiliotis (with approval of the mayor and city council) for legislation relative to the disposition of a surplus parcel of land within the city of Peabody. To the committee on State Administration.

Petition (accompanied by bill, Senate, No. 2490) of Robert A. Antonioni and Jennifer Flanagan (with approval of the mayor and city council) for legislation relative to a tax abatement filing for the national plastics center and museum in Leominster. To the committee on Taxation.

Leominster,
plastics
center.

Reports of Committees.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill establishing a sewer district in the town of Egremont (House, No. 4888) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Ruane of Salem, the bill was read a second time forthwith; and it was ordered to a third reading.

Webster,
sewer
district.

Brookton, solar
energy.

By Mrs. Parente of Milford, for the committee on Long-Term Debt and Capital Expenditures, that the Bill authorizing the city of Brockton to install, finance and operate solar energy facilities (House, No. 4955) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5098). Referred, under Rule 33, to the committee on Ways and Means, with the amendment pending.

Optometric
care,
modernization.

By Mr. Keenan of Southwick, for the committee on Medicaid, that the Bill relative to the modernization of optometric patient care (Senate, No. 2432) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Milford,
optometric
attorney.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill increasing the bonding for the Geriatric Authority of Milford (House, No. 5071) [Local Approval Received]. Read; and referred, under Rule 32A, to the committee on Long-Term Debt and Capital Expenditures.

Middlesex
Canal
Commission.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on a petition, a Bill relative to the Middlesex Canal Commission (House, No. 5062, changed in section 2,

Household
employers,
tax withholdings.

in line 4, by striking out the word "commissioner" and inserting in place thereof the word "commission"; and in section 3, in lines 8 to 16, inclusive, by striking out the two sentences contained therein. Read, and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

By Mr. Casey of Winchester, for the committee on Taxation, on House, No. 1397, a Bill relative to household employer withholding obligations (House, No. 5099). Read, and referred, under Rule 33, to the committee on Ways and Means.

Registered
voters,
information.

Emergency Measure.

The engrossed Bill authorizing cities, towns and regional districts to send certain information to registered voters (see Senate, No. 2221), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 11 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Engrossed Bill.

The engrossed Bill relative to town meeting members in the town of Framingham (see House, No. 5063) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted, and it was signed by the acting Speaker and sent to the Senate.

Third
reading
bill.

Orders of the Day.

The Senate Bill validating the results of the annual town elections held in the town of Falmouth on May 18, 2004 (Senate, No. 2410), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bills.

House bills

Relative to certain unsigned circulars and posters (House, No. 1078) (its title having been changed by the committee on Bills in the Third Reading); and

Establishing an affordable housing trust fund in the town of Wellfleet (House, No. 4776);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Next
sitting.

Order.

On motion of Mr. DiMasi of Boston,—
Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

At twenty-one minutes after eleven o'clock A.M., on motion of Mr. Rushing of Boston (Mr. Hynes of Marshfield being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.